

Mary C. Richardson (Bar No. 208586)
Port Attorney
mrichrdson@portoakland.com
Kimberly I. McIntyre (Bar No. 184648)
Deputy Port Attorney
kmcintyre@portoakland.com
PORT OF OAKLAND
530 Water Street
Oakland, California 94607
Tel: (510) 627-1572 / (510) 627-1205

Eugene M. Pak (Bar No. 168699)
epak@fennemorelaw.com
FENNEMORE WENDEL
1111 Broadway, 24th Floor
Oakland, California 94607
Tel: (510) 834-6600 / Fax: (510) 834-1928

Stephen C. Willey (Bar No. 209164)
swilley@fennemorelaw.com
Brandi B. Balanda (*Pro Hac Vice*)
bbalanda@fennemorelaw.com
Christopher J. Lindemeier (*Pro Hac Vice*)
clindemeier@fennemorelaw.com
FENNEMORE CRAIG, P.C.
1425 Fourth Avenue, Suite 800
Seattle, Washington 98101
Tel: (206) 749-0500 / Fax: (206) 749-0500

Attorneys for Defendant and Counterclaimant City of
Oakland, a municipal corporation, acting by and
through its Board of Port Commissioners (Port of
Oakland)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CITY AND COUNTY OF SAN
FRANCISCO,

Plaintiff,

v.

CITY OF OAKLAND AND PORT OF
OAKLAND,

Defendants.

Case No. 3:24-cv-02311-TSH

DECLARATION OF DANNY W. WAN

Date: November 7, 2024
Time: 10:00 AM
Courtroom: E – 15th Floor
Trial Date: (None Set)

1 CITY OF OAKLAND, A MUNICIPAL
2 CORPORATION, ACTING BY AND
3 THROUGH ITS BOARD OF PORT
COMMISSIONERS (PORT OF OAKLAND),

4 Counterclaimant,

5 v.

6 CITY AND COUNTY OF SAN
7 FRANCISCO,

8 Counterclaim Defendant.

9 I, Danny W. Wan, declare as follow:

10 1. I am over the age of 18 years and am competent to testify. I make this
11 declaration based on personal knowledge unless otherwise stated herein.

12 **Background**

13 2. The Port of Oakland (the “Port”) is a self-funded independent municipal
14 department created by the Charter of the City of Oakland. *See* Article VII. The Board of Port
15 Commissioners has complete and exclusive control and management of the Port Department,
16 including the power to appoint an Executive Director.

17 3. I am currently the Port’s Board-appointed Executive Director, and have served
18 in this role since November 14, 2019.

19 4. I have a Bachelor of Arts in Rhetoric and Masters in Education from the
20 University of California, Berkeley, and a Juris Doctor from the University of California, Los
21 Angeles (UCLA) School of Law.

22 5. I live in Oakland and am a long time resident of the San Francisco Bay Area. I
23 started my career in the late 1980s as a public school teacher in Oakland and San Francisco. In
24 the 1990s, I was elected to the Board of Directors for the East Bay Municipal Utilities District,
25 and in 2000, I was appointed to the Oakland City Council. While on the Council, I led a
26 successful bond initiative to fund clean-up and capital improvements to Lake Merritt and the
27

1 Oakland Estuary, and focused on multi-lingual access to city services, advocating for domestic
2 partners, and Port living wage policies.

3 6. I began advising the Port in the 1990s as an external legal counsel to the
4 Aviation Division. From 2005 to 2008, I was a Deputy Port Attorney with the Port. From 2008
5 to 2012, I was the City Attorney for the City of Morgan Hill. In 2012, I returned to the Port as
6 the Port Attorney. Prior to my current appointment as Executive Director, I served as both
7 acting and interim Executive Director.

8 7. I was elected to the Board of Governors of the American Association of Port
9 Authorities in October 2022, and currently serve as the President of the California Association
10 of Port Authorities.

11 8. Given my personal experience, my roles and work for the Port over the past
12 several decades, and as a local resident actively involved in my community, I am familiar with
13 the San Francisco Bay Area, the Port and its airport, the San Francisco Bay Oakland
14 International Airport (the “Airport” or “OAK”), and aspects of the aviation industry.

15 **The Port and its Airport on San Francisco Bay**

16 9. The San Francisco Bay Area is a geographically defined metropolis region
17 surrounding the San Francisco Bay and its estuaries. The three largest cities in the Bay Area are
18 San Francisco, Oakland, and San Jose. Two of those cities, San Francisco and Oakland, sit on
19 the shores of the Bay itself – across the water from each other. The San Francisco – Oakland
20 Bay Bridge, commonly referred to as the Bay Bridge, directly connects the East Bay and
21 downtown San Francisco.

22 10. The Port currently owns and manages a seaport, nearly 20 miles of waterfront
23 along the San Francisco Bay, submerged lands underneath the Bay, an Airport, and a publicly
24 owned utility. The Port’s seaport is the busiest commercial seaport on the Bay. Below is a
25 picture that appears to generally depict Port-owned areas:

26

27



11. One of OAK's greatest assets is its location on the Bay. Because of where it sits, the Airport is well positioned to offer easy access to air travel into and out of the San Francisco Bay Area, including right into downtown Oakland, across the Bay Bridge into downtown San Francisco, to major universities, wine country, most major Bay Area employers, and other local Bay Area attractions and destinations.

12. The Port and its Airport are an important part of the San Francisco Bay Area. They are an economic engine for Oakland and the Bay Area, and facilitate the movement of goods and people that enables our region to function and flourish.

13. The Port strives to provide a convenient and positive airport experience and promote the economic and community benefits of the Port for Oakland and Bay Area residents.

14. The Port has worked to create a unique identity and branding for our Airport, as discussed in more detail in the Declaration of Craig Simon, Director of Aviation, and the Declaration of John Albrecht, Aviation Marketing Manager. Far from seeking to "copycat" SFO (San Francisco International Airport), in either its operations or its branding, the Port has

1 worked for years – and continues to work – to promote OAK as a distinct choice for air travel
 2 into and out of the San Francisco Bay Area, uniquely able to offer an accessible location and
 3 easy access into and out of the Airport for efficient and low-hassle travel.

4 **The Port’s Decision to Consider Modifying OAK’s Full Name**

5 15. Despite OAK having long been a part of the San Francisco Bay Area and
 6 notwithstanding its prime waterfront location on the Bay, my understanding from research and
 7 analysis conducted by the Port’s Aviation Division and others is that OAK’s actual geographic
 8 location is not well known outside of the Bay Area; and, that this is especially so outside of
 9 California and the farther away one is from our region. I also understand that this lack of
 10 awareness combined with how flight search results are organized and displayed, has created
 11 challenges for the Port in maintaining and securing nonstop flight routes that otherwise seem
 12 supportable by local population and related travel data.

13 16. After spending years studying and working to address this issue, in March 2024,
 14 I, in consultation with the Port’s Aviation Division, decided to recommend that the Board of
 15 Port Commissioners consider incorporating the Airport’s geographic location on San Francisco
 16 Bay into the beginning of its full name by replacing the generic word “Metropolitan” with “San
 17 Francisco Bay.”

18 17. The Airport’s International Air Transport Association (IATA) code – OAK –
 19 and its I Fly OAK logo and branding would not change as part of this recommendation.

20 **SFO’s Immediate and Aggressive Opposition to OAK Potentially Modifying its Name To**
 21 **Include the Airport’s Geographic Location on San Francisco Bay**

22 18. Before publicizing that the Board would be considering this name modification
 23 proposal, Aviation Director Craig Simon and I called Ivar Satero, who I understand is SFO’s
 24 Airport Director.

25 19. This call was only one of many outreach efforts the Port was engaged in
 26 regarding this issue.

27

1 20. I had hoped to discuss with Mr. Satero the pragmatic and business reasons
2 behind the Port's consideration of including its location on San Francisco Bay in its full name.
3 During that call, Mr. Satero asked for the studies that informed our planned recommendation. I
4 was planning to provide him with additional information and continue our dialogue thereafter.
5 Attached hereto as **Exhibit A** is a true and correct copy of an email exchange I had with Mr.
6 Satero following our telephone call, dated March 29, 2024.

7 21. But rather than expressing an openness to engage in any meaningful dialogue,
8 just a few days later, I received a letter from Mr. Satero in which he stated that SFO "formally
9 object[ed]" to the Port's consideration of modifying OAK's full name to be the San Francisco
10 Bay Oakland International Airport. (A copy of that letter is attached as Exhibit A to Mr.
11 Satero's Declaration, ECF 40-1. I note that in that letter, Mr. Satero discussed the use of the
12 City's name "San Francisco" – not the use of "San Francisco Bay," which was the actual
13 subject of the name change proposal.)

14 22. The City then immediately launched an aggressive press campaign that included
15 direct and repeated threats of litigation. For example, attached hereto as **Exhibit B** is a true and
16 correct copy of a press release from the City Attorney's Office, dated April 8, 2024, available
17 on the website for the City Attorney of San Francisco, in which the City Attorney said the City
18 would sue the Port for purported trademark infringement if the Board moved forward to
19 consider potentially modifying OAK's full name to include the words "San Francisco." That
20 threat was reiterated in a letter of the same date from City Attorney David Chiu to me and
21 others at the Port. A true and correct copy of City Attorney Chiu's April 8, 2024, letter to me
22 and others at the Port is attached hereto as **Exhibit C**.

23 23. The very next day, on April 9, 2024, Mr. Satero sent me an email asking for the
24 studies, and in which he responded "OK, understood" when I told him that request is better
25 handled through our attorneys' offices given the context of the City's very public threat to sue.
26 Attached hereto as **Exhibit D** is a true and correct copy of that email exchange.

27

**Public Support the Port Received for Incorporating OAK's Geographic Location
on San Francisco Bay Into its Full Formal Name**

24. Although the City would not engage with us productively, the Port continued to dialogue with industry stakeholders and the community. The Port also received a wide array of personal opinions and input from members of the public, businesses, and local organizations – both for and against the idea. Contrary to the picture the City paints, that input included substantial support for modifying OAK's full formal name to begin with its geographic location on San Francisco Bay. For example:

a. Cathy Adams, President & CEO of the Oakland African-American Chamber of Commerce, stated "A name modification will help Oakland visitors understand that our airport is located within the San Francisco Bay Area. It will help bring visitors to our great city where they can dine, shop and stay at local hotels. We applaud the Port of Oakland's efforts in creating greater awareness of our favorite Airport." Attached hereto as **Exhibit E** is a true and correct copy of a compilation of public statements of support the Port received, which shows Ms. Adams's public statement on Page 4.

b. Joe Partida, President of the Oakland Latino Chamber of Commerce, noted "The proposed name modification will help visitors understand that our airport is located within the San Francisco Bay Area. It will help bring visitors to Oakland, and especially to businesses in the Fruitvale neighborhood where visitors can dine and shop locally. Joe Partida's statement is shown on page 4 of Exhibit E.

c. City of Oakland Councilmember Treva Reid wrote she "fully support[s] modifying the Oakland Airport's name. It will widen its reach to welcome more visitors, boost our regional economy, increase workforce development and trade opportunities, and secure more direct flight destinations through the most transit-accessible airport in the Bay Area." Treva Reid's statement is shown on page 2 of Exhibit E.

d. Ken Maxey, Board Chair of Oakland Metropolitan Chamber of Commerce noted "OAK is an economic powerhouse for the region in terms of jobs and

1 business activity. The airport provides 30,000 good-paying direct local jobs and it has a \$1.6
2 billion economic impact. We support efforts to help visitors better understand how OAK is
3 located so conveniently within the San Francisco Bay Area, with all that the region has to offer,
4 and will encourage more visitors to Oakland where they can dine at local restaurants, shop at
5 local retailers and stay in our hotels.” Ken Maxey’s statement is shown on page 4 of Exhibit E.

6 e. The Mayor of the City of Oakland Sheng Thao highlighted OAK was a
7 “vital economic driver, providing 30,000 local jobs and contributing a staggering \$1.6 billion to
8 our economy. Considering a name modification to highlight our location within the vibrant San
9 Francisco Bay Area could offer several benefits. Notably, it could support the airport’s efforts
10 to secure more direct flights to additional destinations, enhancing convenience for travelers and
11 potentially boosting tourism in Oakland. This adjustment isn’t just about signage—it’s about
12 inviting travelers to discover all that Oakland and the region have to offer.” Mayor Thao’s
13 statement is shown on Page 2 of Exhibit E.

14 f. Greg Bonato, President of the Building and Construction Trades Council
15 of Alameda County wrote “The Building and Construction Trades Council of Alameda County
16 represents the hard-working union trades men and women throughout the region and has been a
17 longstanding partner with the Port of Oakland and OAK to advance major projects and deliver
18 good paying jobs and opportunities for our members and affiliated unions. The Airport is an
19 asset for the entire San Francisco Bay Area and we support the efforts by OAK to modify its
20 name and bring more visitors and economic vitality to Oakland and Alameda County.” Greg
21 Bonato’s statement is shown on Page 2 of Exhibit E.

22 g. The CEOs of California tourism organizations Visit Oakland, Visit Tri
23 Valley, and Visit Berkeley all noted the importance of having OAK’s geographic location
24 recognized by travelers and offered their public support upon hearing of OAK’s potential name
25 modification. These are shown on page 3 of Exhibit E.

26 h. Tessa Rudnick, the Mayor of the City of El Cerrito, California, provided
27 a letter in personal support of the name modification. She wrote “Renaming the Airport with a

1 more recognizable regional name will help increase geographic awareness and will help both
 2 domestic and international travelers make more informed decisions. Since OAK Airport is the
 3 closest airport for 58% of the Bay Area population (El Cerrito included), I believe this name
 4 change will ultimately help travelers make a choice which positively impacts the entire East
 5 Bay region.” Attached hereto as **Exhibit F** is a true and correct copy of a letter, dated April 11,
 6 2024, that the Port received from Mayor Rudnick.

7 **The Board’s Consideration and Process for OAK’s Name Modification**

8 *April 11, 2024 Board Meeting*

9 25. On April 11, 2024, the Board of Port Commissioners held a public meeting to
 10 consider the first reading of the Ordinance for the proposed name modification (the
 11 “Ordinance”). I attended this meeting as the Port’s Executive Director. Attached hereto as
 12 **Exhibit G** is the Agenda Report for the meeting. An accurate recording of the events of that
 13 meeting can be viewed here:

14 https://portofoakland.granicus.com/MediaPlayer.php?view_id=2&clip_id=348

15 26. According to the Port’s Administrative Policy 14 (Naming of Port Facilities),
 16 any change to the Airport’s full name can only be done by an Ordinance passed by the Board.
 17 In this meeting, the Board would hold the first of two votes that would be required to approve
 18 any modification to OAK’s full formal name, which I understand had been the “Metropolitan
 19 Oakland International Airport” since 1954. Attached hereto as **Exhibit H** is a true and correct
 20 copy of the Ordinance establishing that name from Port records.

21 27. As discussed in Aviation Director Craig Simon’s Declaration, Director Simon
 22 presented the Aviation Division’s recommendation to replace the generic word “Metropolitan”
 23 with “San Francisco Bay” in OAK’s full name to anchor its full formal name in its physical
 24 location and the geographic region which it serves. Director Simon’s presentation included a
 25 PowerPoint which was displayed to the Board as well as the public attending the meeting. A
 26 true and correct copy of that presentation is attached to Director Simon’s Declaration.

27

1 28. Following Director Simon's presentation, I offered additional comments and
 2 discussed feedback the Port had received following the public announcement that it would be
 3 considering the name modification proposal. I emphasized that the purpose of the proposal was
 4 to include OAK's geographic identifier on San Francisco Bay in its full name and that we
 5 believed this clarification would help increase inbound demand for flights with the goal of
 6 creating more non-stop flight options for Bay Area residents.

7 29. The Board then heard comments from community members who expressed a
 8 variety of opinions about the proposal. After receiving these public comments, the Board
 9 provided their own comments and discussion before voting on the first reading of the
 10 Ordinance.

11 30. The Board voted unanimously in favor of the Ordinance on its first reading. This
 12 vote did not make the Ordinance or the proposed name modification effective. Instead, the vote
 13 allowed the Ordinance to be further considered and voted upon at a second public meeting,
 14 after the Port could and did engage in further public and stakeholder outreach and engagement.

15 ***May 9, 2024 Board Meeting***

16 31. The Board held another public meeting and the second reading of the Ordinance
 17 on May 9, 2024. I attended this meeting as the Port's Executive Director. An accurate recording
 18 of the events of that meeting can be viewed here:

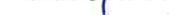
19 https://portofoakland.granicus.com/MediaPlayer.php?view_id=2&clip_id=351

20 32. At the start of that meeting, Director Simon discussed the reasons for the name
 21 modification proposal and highlighted OAK's convenience, unique features, and the positive
 22 economic impact OAK has on the greater San Francisco Bay Area.

23 33. During his comments, Director Simon displayed a PowerPoint presentation
 24 which reiterated that OAK would not be changing its IATA code or its I Fly OAK logo.

25 34. After additional discussion and public comments, the Board unanimously voted
 26 in favor of the Ordinance on its second reading. Attached hereto as **Exhibit I** is a true and
 27 correct copy of that Ordinance.

10 Executed on this 8th day of October, 2024 at Oakland, California.



Danny W. Wan